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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,202	03/19/2001	Frederic Bauchot	FR920000003US1	9602

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EXAMINER

HILLERY, NATHAN

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/812,202	Applicant(s) BAUCHOT ET AL.	
	Examiner Nathan Hillery	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 11/9/04.
2. Claims 1 – 4 are pending in the case. Claims 1 – 4 are independent.
3. The objection to the claim has been withdrawn as necessitated by amendment.
4. The rejection of claims 1 – 3 under 35 U.S.C. 103(a) as being unpatentable has been withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 2 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention amounts to functional descriptive data or a computer program pro se. Because the claims are means plus function, the claimed invention is considered software per se in light of the specification (pages 9 – 10).

7. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (EP569133A2).

10. **Regarding independent claim 1**, Anderson et al. teach that *whether 2-D or 3-D in nature, blocks of cells may be easily copied and cut (i.e., moved) using drag-and-drop editing techniques of the present embodiment. As shown in Fig. 4G for a 2-D block, for example, a method for copying a block of cells includes (1) selecting a source block by dragging a range of cells (e.g., mouse button-down events coupled with mouse movement across the range; close selection with a button-up event), (2) dragging the block (e.g., click within block followed by repeated mouse button-down events), and (3) dropping the block (e.g., mouse button-up event at desired target location). In a similar fashion, 3-D blocks may be dragged and dropped. In typical cut and copy operations, relative and absolute cell addressing is employed, as is known in the art (see e.g., Using 1-2-3). According to the present embodiment, however a "model copy" technique for copying blocks is also provided. Model copying, illustrated in Figs. 4H-J, is useful when the user is copying a block that contains absolute references to cells within the copied block. In Fig. 4H, a small spread model 496 is shown which contains a formula to figure the monthly payment for a 30-year loan at different interest rates; a reference to the loan amount was entered as absolute so that when the formula is copied, it continues to refer to ce11 B1. The user may want to calculate (at the same time) monthly payments for different loan amounts and, thus; might copy the model, with the*

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loan amount changed (shown in Fig. 41 as spread 497). However, in this approach the absolute reference still refers to row 1; to correct this, the user would typically manually edit each formula to refer to 86 instead of B1. With model copying of the present embodiment enabled (e.g., by default or through a user dialog), however the problem is solved. In particular, absolute references adjust to the new location of the referenced cell, as shown by spread 498 in Fig. 4J; however, absolute references remain absolute to make future copies absolute. For instance, should the user make more copies of the formula, the reference to cell 86 is still absolute. In this manner, model copying of the present embodiment saves the user time-consuming and error-prone editing of formulas (page 8, lines 4 – 26), which provide for **selecting a source cell range to cut and paste or to copy and paste into a destination cell range; storing (403) a working buffer the content of each cell that belongs to said source cell range; clearing the content of each cell that belongs to a source cell range to cut; for each cell stored in the working buffer: if the content of the stored cell comprises one or a plurality of absolute references pointing to a cell or a cell range belonging to the source cell range (405, 406); determining for each of said cells or cell ranges pointed by an absolute reference and belonging to the source cell range, a relative position within the source cell range; determining for each of said relative position within the source cell range, a corresponding absolute reference within the destination cell range; replacing (407) within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range; copying (408) the content of**

each cell stored in the buffer to corresponding cells within the destination cell range, except the working buffer. Anderson et al. do not explicitly teach the working buffer; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to use and/or modify the invention of Anderson et al. to provide for a working buffer. The skilled artisan would be motivated to implement one of the known ways of copying and pasting, which employs a clipboard that is a type of working buffer, so that the users could continue pasting the selected range at other destinations from the clipboard.

11. Regarding independent claims 2 – 4, the claims incorporate substantially similar subject matter as claim 1, and are rejected along the same rationale.

Response to Arguments

12. Applicant's arguments with respect to claims 2 – 3 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments filed 11/9/04 have been fully considered but they are not persuasive.

14. In response to Applicant's arguments regarding Anderson et al. (p 8), it should be noted that Anderson et al. do not just teach "model copying" as suggested by Applicant, since Anderson et al. teach that *According to the present embodiment, however a "model copy" technique for copying blocks is also provided* (emphasis added). Further, Anderson et al. teach that *blocks of cells may be easily copied and cut (i.e., moved) using drag-and-drop editing techniques of the present embodiment*. One of ordinary skill in the art at the time of the invention is well aware of the term "cut", which means that

the contents are cleared and temporarily stored in a clipboard or other area of memory so that the contents maybe pasted somewhere else. Further, the Office's assertion that a working buffer reads on a clipboard is not impermissible hindsight, since the use of a clipboard is notoriously well known within the art. Applicant's assertion that Anderson et al. do not teach reassigning and/or update referential pointers is incorrect because Anderson et al. teach that *In particular, absolute references adjust to the new location of the referenced cell*. Furthermore, Anderson et al. teach that *In typical cut and copy operations, relative and absolute cell addressing is employed, as is known in the art (see e.g., Using 1-2-3)*.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER